

**MINUTES**  
**Crested Butte Town Council**  
**Regular Council Meeting**  
**November 7, 2011**  
**Council Chambers, Crested Butte Town Hall**

Mayor Leah Williams called the meeting to order at 7:04 p.m. Councilmembers present: Jim Schmidt, John Wirsing, Daniel Escalante, Roland Mason and Reed Betz. Councilmember Absent: Phoebe Wilson. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Town Clerk Eileen Hughes, Finance Director Lois Rozman (for part of meeting), Town Planner John Hess (for part of meeting), Building and Zoning Director Bob Gillie (for part of meeting), Public Works Director Rodney Due (for part of meeting) and Parks and Recreation Director Jake Jones (for part of meeting).

**SWEARING-IN OF MAYOR AND NEW COUNCILMEMBERS**

Newly elected Mayor Aaron Huckstep and newly elected Councilmembers David Owen, Glenn Michel and Shaun Matuszewicz were sworn in by Town Clerk Eileen Hughes. Outgoing Mayor Leah Williams and Council members Daniel Escalante and Reed Betz relinquished their seats and left the Council chambers. Mayor Huckstep took over as Chair of the meeting.

**ELECTION OF MAYOR PRO-TEM.**

Councilmember Jim Schmidt said he was interested in serving as Mayor Pro-tem.

Wirsing moved and Mason seconded to nominate Jim Schmidt for Mayor Pro-tem. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**APPROVAL OF AGENDA**

Town Attorney John Belkin requested an executive session for legal advice after "New Business."

Schmidt moved and Wirsing seconded to approve the agenda as amended to add an executive session. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

A) Approval of Minutes of October 17, 2011 Regular Council Meeting.

Schmidt moved and Wirsing seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**PUBLIC COMMENTS** None

**STAFF REPORTS**

Jake Jones:

- Work on the ice rink project is continuing and concrete work is nearly completed. The rink usually opens in early to mid-December, depending on weather, and he expects the rink project to be completed within that time frame.

Rodney Due:

Rodney Due:

- The public works crew is working on the ice rink project.

John Hess:

- The Coal Creek Watershed Coalition (CCWSC), an organization that works on projects in the Town's watershed, utilizes Volunteers in Service to America (VISTA). CCWSC's VISTA volunteer just left and a new volunteer has started.
- He's revising the non-residential affordable housing fees. Legal counsel reviewed a draft ordinance on the proposed fees and the ordinance was referred to the Affordable Housing Committee for review. He plans to bring a draft ordinance to Council for discussion during a work session on November 21. Council asked questions about the proposed revisions and Hess outlined several key points, such as a proposed exemption for affordable housing fees for new non-residential construction of 500 square feet or less.

Bob Gillie:

Presented background information on a proposal for the installation of a large solar array in town. Gillie noted that a memo from the Office for Resource Efficiency (ORE) was included in the Council's packet. Gillie asked Council to consider allowing staff time to investigate the proposed project and look into items such as: locations for the solar array, legal aspects, financing, and review of a power purchase proposal. Gillie explained that certain federal tax credits available to a proposed contractor for the project will expire at the end of 2011.

Several councilmembers indicated support for staff research on the project. One councilmember said if the Town ultimately pursues the project, the Town should make sure it's worth the investment and not only a showcase project. Another councilmember said he would like to see long term maintenance costs for the project and supports minimal use of staff time to investigate the proposal.

Crested Butte resident David Leinsdorf said there was a recent article in the New York Times about the decreasing cost of solar energy. Leinsdorf said if the Town misses the opportunity (for installation of a solar array now) the Town may get "more bang for its buck" in the future.

Council gave staff the go-ahead to look into the proposal for installation of a solar array. Gillie said he hoped to provide a report for the December 5, 2011 Council meeting.

Lois Rozman:

- Noted the September Town Sales Tax reports she distributed to Council. September sales tax revenue is up 4.8 percent from last year and is an all time record for September.
- Newly seated council members should stop by her office to fill out paperwork.

Eileen Hughes:

- Asked newly seated council members to review their contact information on a list she provided them.
- Staff held an orientation session last Thursday night for new council members. The new council members received the Council Handbook. The Council's "Rules of Procedure" will be on the next agenda for review.

Susan Parker:

- She is negotiating leases for the library and the Crested Butte Mountain Theatre and is also working on the refuse and recycling contract and preparing for the Gunnison County Electric Association Agreement.

## **NEW BUSINESS**

A) Ordinance No. 22, Series 2011 – An Ordinance Vacating Sopris Avenue between Blocks 51 and 52, Town of Crested Butte East to the West Property Line of Lot 26, Block 52 and West to the Colorado Highway 135 Right of Way, Whiterock Avenue between Blocks 50 and 51, Town of Crested Butte and West to the Colorado Highway 135 Right of Way, Belleview Avenue between Blocks 49 and 50, Town of Crested Butte and West to the Colorado Highway 135 Right of Way; Vacating the Alleys in Blocks 49, 50 and 51, Town of Crested Butte; Vacating that Certain Parcel of Land in Block 52, Town of Crested Butte North of Sopris Avenue, West of Lot 17, Block 52.

Mayor Huckstep read the title of the Ordinance. Town Attorney John Belkin explained that the ordinance vacates streets and alleys and does not convey any property. Council asked a few questions about the ordinance.

On another note, Belkin pointed out that the Town's official plat was last recorded in 1964 and the plat should be updated and re-recorded in the future. Gillie agreed with Belkin and that it's time to develop a new plat of the Town.

Schmidt moved and Wirsing seconded to set Ordinance No. 22, Series 2011 for public hearing on November 21, 2011.

B) Ordinance No. 23, Series 2011- An Ordinance Amending Chapter 13, Article 5 of the Crested Butte Municipal Code to Include Therein the Right of Any Occupant of Any Dwelling to Opt Out of the Compulsory Refuse Collection Requirement where Certain Requirements are Met.

Mayor Huckstep read the title of the Ordinance and noted Town Manager Susan Parker's memo on the topic. Parker said the Town currently does not allow exemptions for mandatory fees for residential refuse collection, but since the residential trash and recycling contract is expiring and a new contract is being drafted, this is a good time to address allowing exemptions under certain conditions.

Council asked if the ordinance allowed exemptions for residential units in a multi-building complex. Rozman said exemptions would be allowed if the complex is all under the same ownership or Home Owner's Association (HOA). Council agreed with Town Attorney John Belkin's suggestion to revise the ordinance to clarify that residential units in one or more buildings, under the same ownership or HOA, are eligible for exemptions.

Rozman pointed out that the town has 186 multi-family buildings and 62 mixed residential and commercial buildings, so there's a potential for 255 units to request opt-outs from the compulsory residential refuse collection requirements.

A councilmember suggested that Section 13-5-20 (b)(1) be revised to add the word "any" to clarify that occupants of dwelling units can opt-out of the Town's compulsory refuse collection requirements if they meet **any** of the requirements listed in the ordinance.

Wirsing moved and Owen seconded to set Ordinance No. 23, Series 2011 for public hearing on November 21, 2011 as amended to include revisions as discussed clarifying exemptions for units in a multi-building complex and the addition of the word "any" in Section 13-5-20 (b) (1).

B) Town of Crested Butte 2011-2012 Snow and Ice Control Operations Plan.

Public Works Director Rodney Due highlighted points in the proposed 2011-2012 Snow and Ice Control Operations Plan as outlined in a memo to Council from Due and Parks and Recreation Director Jake Jones.

Due explained that after an incident last March (when there was a large build up of snow pack combined with a thaw cycle) he was asked to come up with a plan to plow the streets when snow accumulation

reaches 3 inches rather than 6 inches. Due said his plan for the upcoming winter calls for hiring two full-time seasonal employees from December 1 to March 31 to help with snow plowing. Additionally, Due said a regular public works employee must be available to supervise the seasonal workers. Due said the proposed Snow Plan makes clearing the bus route a priority and the bus route will be cleared to pavement every time. In addition, he said the snow banks on Elk Avenue will be cleared on a routine basis. Due estimated the new plan will cost \$73,000 to implement. He said the plan includes \$24,000 for fuel costs, but cautioned that fuels costs could possibly amount to double that estimate.

Due noted that last year, when City of Gunnison crews and private contractors were hired for a week to help peel the pack, it cost the Town \$39,435.

Due said another option, compared to the Snow Plan as presented, is to peel the pack more often than in the past. Due estimated it will cost \$52,000 to peel the pack twice and \$79,000 to peel the pack three times. Due said it's an expense to improve the snow plowing service in Town.

Council discussed the proposed plan and asked staff a few questions. Several councilmembers said they liked the new plan and one councilmember noted that the new Snow Plan does not budget for increased wear and tear on the Town's heavy equipment.

Parks and Recreation Director Jake Jones presented the plan for clearing sidewalks and explained that sidewalks are generally cleared multiple times a day during a snow event so the pack does not build up. Jones said crews try to work with Elk Avenue businesses to keep Elk Avenue as pedestrian-friendly as possible.

The Snow Plan calls for clearing the 8<sup>th</sup> Street Safe Route to Schools sidewalk and Jones noted that the Plan eliminates clearing of several paths in town including the Town Park path near Stepping Stones. Council asked a few questions about snow clearing operations near the ice rink. One council member said it seemed odd not to clear the paved path near Stepping Stones, yet to clear a gravel path in that area. Jones also reviewed the plan for cut outs of snow banks along Elk Avenue.

Schmidt moved and Wirsing seconded to approve the 2011-2012 Snow and Ice Operations Plan as presented. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Discussion and Possible Action on Funding Request From the Crested Butte/Mt. Crested Butte Chamber of Commerce For The 2011/2012 Holiday Butte Bucks Program.

Mayor Huckstep noted that the Chamber's request for \$5,000 for Butte Bucks was originally made as a service grant request and Council asked the Chamber to provide more information.

Chamber representative Kristen Van Hoesen said Mt. Crested Butte agreed to contribute \$3,500 to the Butte Bucks program and noted that Mt. Crested Butte's contribution has traditionally been less than the Town of Crested Butte's because there are more businesses in Town.

Van Hoesen said due to feedback from local businesses, the Chamber decided to eliminate the fall Butte Bucks program and concentrate funds and efforts on the Holiday Butte Bucks program. Additionally, Van Hoesen noted the Chamber reduced the amount of Butte Bucks that a person can purchase per day from \$100 to \$50, which allows the program to serve more people. One councilmember commented that the program is a shot in the arm for local businesses and another councilmember said there are intangible benefits to the Butte Bucks program as well as other ventures the Town supports through service grants.

Council discussed the program and asked a few questions about management of the program and how Butte Bucks are marketed. Council asked the Chamber to provide the Council with data on the buying habits of people who participate in the program and to research minting coins for the program.

Wirsing moved and Mason seconded to allocate a total of \$5,000 to the Butte Bucks program: zeroing out the remaining funds in the 2011 service grant fund with the rest of the funding coming from the Council's 2012 Venture Fund. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council agreed to move the Executive Session to the end of the meeting.

### **LEGAL MATTERS**

John Belkin:

- He is working on an agreement for connection of the McCormack Ranch to the Town's sewer system.
- He will bring two plats to Council for approval in the near future.
- He is working with Town Planner John Hess on the Resident Occupied Affordable Housing (ROAH) Regulations.
- He met with Special Counsel Barbara Green to discuss 1041 regulations and the watershed ordinance that Green is drafting. His goal is to bring the topic to Council during the first quarter of 2012.
- He will be meeting with Mayor Huckstep and Town staff regarding next steps for the Atmos Franchise agreement and utility use in the Town's Right of Way (ROW).

Council discussed the timeline for the proposed revisions to the ROAH regulations and noted that two work sessions may be needed on the topic.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Jim Schmidt:

- The Kochevar trails group met recently to discuss plans for phase 2 of the Lupine Trail. The Adaptive Sports Center would like the trail to be a little wider to accommodate use by the physically challenged.

John Wirsing:

- Reported that he's been attending many Chamber of Commerce meetings lately and pointed out that the Chamber has successfully made it through the summer season without an executive director. Noted that Chamber membership is increasing.

Roland Mason:

- Recently attended a Mt. Express Board meeting. Mt. Express was hoping to purchase a small bus for the Condo Loop, but it didn't work out. The Board decided to extend service to the Prospect area, which will provide access to the Snodgrass Mountain trailhead and nordic ski trails in that area.

- The Rural Transportation Authority (RTA) decided to cancel three flights in mid-December due to low passenger load. Airline bookings have increased in the last few weeks. Bus service between Gunnison and Mt. Crested Butte will begin November 23 with service 8 times a day.

Aaron Huckstep:

- County Commissioner Paula Swenson is organizing a group interested in bringing broadband service to the Gunnison Valley. There may be funding available. He will serve on the committee.
- Attended a Colorado Association of Ski Towns (CAST) meeting in Park City. It was a good networking opportunity for meeting representatives from other resort towns.

Jim Schmidt:

- Suggested that a portion of the Crested Butte cemetery be set aside for more organic burials, which he said many people are interested in these days. Town Clerk Eileen Hughes explained that current Town cemetery rules do not disallow so called "green burials" and clarified that Town cemetery rules do not require vaults (metal casket cases).

### DISCUSSION OF SCHEDULING FUTURE WORK SESSION MEETING ITEMS

Council briefly discussed how work session items are placed on future agendas. Council then discussed scheduling a work session for the discussion of an Atmos Energy Franchise Agreement and utility operations in the Town right-of-way (ROW). A lengthy discussion ensued about how the topics should be addressed. One Councilmember said it seemed logical to discuss operations in the Town ROW prior to re-addressing a Franchise agreement with Atmos Energy. Another councilmember suggested the Town Attorney bring the Council up to speed on the proposed Atmos Energy Franchise Agreement and the differences in risk factors for the Town between a Franchise Agreement and a ROW ordinance.

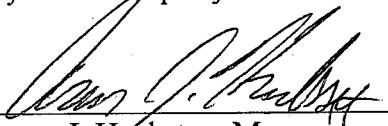
Council directed staff to schedule a work session in the near future on the Atmos Energy Franchise Agreement and utility use in the Town ROW.

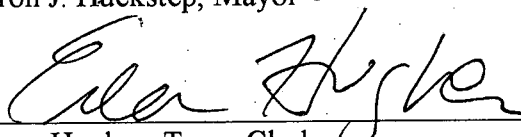
### EXECUTIVE SESSION

Schmidt moved and Mason seconded to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6-402(4) (b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council went into executive session at 10:18 p.m. and returned from executive session at 10:51 p.m. Mayor Huckstep made the required announcement upon returning to the open meeting. No action was taken.

Mayor Huckstep adjourned the meeting at 10:52 p.m.

  
Aaron J. Huckstep, Mayor

  
Eileen Hughes, Town Clerk

